

**ASSEMBLY BILL**

**No. 2317**

---

**Introduced by Assembly Member Walters**

February 21, 2008

---

An act to amend Section 2102 of the Elections Code, relating to voting.

LEGISLATIVE COUNSEL'S DIGEST

AB 2317, as introduced, Walters. Voter registration: proof of citizenship.

Existing law prohibits a person from being registered as a voter except by affidavit of registration.

This bill would additionally prohibit a person from being registered as a voter unless he or she can provide proof of citizenship in a prescribed form at the time of registration. A person already registered as of January 1, 2009, would not be required to submit proof of citizenship unless changing registration from one county to another.

The bill would impose a state-mandated local program by requiring county elections officials to maintain for at least 2 years a record of the proof of citizenship submitted by applicants.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

SECTION 1. Section 2102 of the Elections Code is amended to read:

2102. (a) A person may not be registered as a voter except by affidavit of registration *and proof of citizenship*. The affidavit shall be mailed or delivered to the county elections official and shall set forth all of the facts required to be shown by this chapter. A properly executed registration shall be deemed effective upon receipt of the affidavit *and proof of citizenship* by the county elections official if received on or before the 15th day prior to an election to be held in the registrant's precinct. A properly executed registration shall also be deemed effective upon receipt of the affidavit *and proof of citizenship* by the county elections official if any of the following apply:

(1) The affidavit is postmarked on or before the 15th day prior to the election and received by mail by the county elections official.

(2) The affidavit is submitted to the Department of Motor Vehicles or accepted by any other public agency designated as a voter registration agency pursuant to the National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg) on or before the 15th day prior to the election.

(3) The affidavit is delivered to the county elections official by means other than those described in ~~paragraphs~~ *paragraph* (1) or (2) on or before the 15th day prior to the election.

(b) *Proof of citizenship required by subdivision (a) may be established by any of the following:*

(1) *The applicant's birth certificate or a legible photocopy thereof.*

(2) *The applicant's United States passport or a legible copy of pertinent pages thereof identifying the applicant and the applicant's passport number.*

(3) *The applicant's United States naturalization documents. An applicant may provide the number of his or her certificate of naturalization in lieu of naturalization documents, but he or she shall not be deemed registered until the number of the certificate of naturalization is verified with the United States Citizenship and Immigration Services.*

(4) *Any document or method of proof established by the Immigration Reform and Control Act of 1986 (P.L. 99-603).*

1     (5) *The applicant's Bureau of Indian Affairs card number,*  
2 *tribal treaty card number, or tribal enrollment number.*

3     (c) *A person who is registered as of January 1, 2009, is deemed*  
4 *to have provided satisfactory evidence of citizenship and is not*  
5 *required to submit proof of citizenship in the form prescribed by*  
6 *subdivision (b) unless he or she changes voter registration from*  
7 *one county to another.*

8     (d) *For purposes of this section, proof of voter registration*  
9 *from another state or county is not satisfactory evidence of*  
10 *citizenship.*

11     (e) *A voter who, following a change of address, executes a new*  
12 *affidavit of registration or a notice or a letter of the change of*  
13 *address as permitted in Section 2119 shall not be required to*  
14 *submit evidence of citizenship unless the voter reregisters in a*  
15 *county different from the county in which the voter was previously*  
16 *registered.*

17     (f) *The county elections official shall maintain for at least two*  
18 *years a record of the information submitted by an applicant as*  
19 *proof of citizenship.*

20     (g) *For purposes of verifying signatures on a recall, initiative,*  
21 *or referendum petition or signatures on a nomination paper or any*  
22 *other election petition or election paper, a properly executed*  
23 *affidavit of registration shall be deemed effective for verification*  
24 *purposes if both ~~(a) the~~ of the following are established:*

25         (1) *The affidavit is signed on the same date or a date prior to*  
26 *the signing of the petition or paper, and ~~(b) the~~.*

27         (2) *The affidavit is received by the county elections official on*  
28 *or before the date on which the petition or paper is filed.*

29     ~~(e)–~~

30     (h) *Notwithstanding any other provision of law to the contrary,*  
31 *the affidavit of registration required under this chapter may not be*  
32 *taken under sworn oath, but the content of the affidavit shall be*  
33 *certified as to its truthfulness and correctness, under penalty of*  
34 *perjury, by the signature of the affiant.*

35     SEC. 2. *If the Commission on State Mandates determines that*  
36 *this act contains costs mandated by the state, reimbursement to*  
37 *local agencies and school districts for those costs shall be made*

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

O